



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of J. Burnes et al.

Date: September 2, 2005

Serial No. 10/677,771

Examiner: M. Safavi

Filed: 10/1/03

Art Group: 3673

For: Faceted end cap for leaching chamber

Atty Docket No. 2312

Commissioner for Patents:

AMENDMENT

Please amend the claims as shown in the enclosed status of claims.

Applicant encloses payment of \$200 small entity fee for two additional independent claims. Please charge any deficiency in the foregoing, or any other fee, to deposit account No. 14-0711 in the name of undersigned attorney with a reference number of 2312.

REMARKS

This is in response to the office action of August 28, 2005.

Applicants have re-written the "objected-to" claims in independent form. (For simplicity, applicants have added the matter of objected-to claim 44 to claim 35, to produce the same effect as writing claim 44 in independent form.)

Applicants have changed the dependency of claims 36-39 from rejected claim 35 to re-written claim 40. The dependent claims should be allowed at least because of novelty in the parent claim 40 and as preferred embodiments.

Allowance of the claims as amended herewith is requested.

To expedite prosecution here, applicants are not seeking to overcome the rejection of claim 35 as previously presented; the rejection being based on 35 USC 103 in reliance on Carswell in view of DeTuillo or Maestro. However, for the record: Applicant contests the validity of the rejection. Carswell element 32 is clearly said to be simple T-connector. It is not an endcap and no pipe-connection use is suggested. Rather, there is a teaching away, to running a pipe vertically from the chamber. Carswell does not show even one buttress having a surface portion for receiving a pipe. (A "Carswell edge" is not a surface, within the meaning of the applicant's specification.) So adding a feature from DeTuillo or Maestro will not produce the invention. It is using hindsight to add a feature from DeTuillo or Maestro, as no reason is cited to modify Carswell, and there is no



Effective on 12/08/2004.
Subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

F10/SB/17 (12-05)-
Approved for use through 07/31/2006. OMB 0651-0672
1 Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL

For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)200

Complete if Known	
Application Number	10/697,771
Filing Date	10/1/03
First Named Inventor	BURNES
Examiner Name	SAFAVY
Art Unit	3673
Attorney Docket No.	2312

METHOD OF PAYMENT (check all that apply)

<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account		Deposit Account Number:	140711	Deposit Account Name: CHARLES E. NESSLER
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
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under 37 CFR 1.16 and 1.17
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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

BASIC FILING, SEARCH, AND EXAMINATION FEES		SEARCH FEES		EXAMINATION FEES			
<u>Application Type</u>	FILING FEES		<u>Small Entity</u>		<u>Small Entity</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2 EXCESS CLAIM FEES

**2. ~~EXCISE~~ IN
Excise Description**

Fee Description Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

<u>Small Entity</u>	<u>Fee (\$)</u>
ee (\$)	50
2(X)	1(X)
360	180

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or 14P =	$\frac{MF}{14}$	\times	$=$	Fee (\$)
MF = highest number of total claims paid for, if greater than 20				Fee Paid (\$)
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	
- 3 or MI' =	$\frac{S}{3}$	\times	$=$	
S = highest number of independent claims paid for, if greater than 3				

3. APPLICATION SIZE FEE Upon 1 page of paper, the application size fee due is \$250 (\$125 for small entity)

3. APPLICATION SIZE FEE
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$25.00.

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____
Fees Paid (\$) _____

4. OTHER FEE(S)

Non-English Specification, \$130 fcc (no small entity discount)

Other: _____

SUBMITTED BY	<i>C. Neesler</i>	Registration No. 27825 (Attorney/Agent)	Telephone 860 526 9149
Signature	CHARLES G. NEESLER		Date 9/2/05
Name (Print/Type)	In accordance with the provisions of Title 14, section 14-101 or making a benefit by the public which is to file (and by the use of the same) a copy of this instrument in the office of the recorder of deeds of the county where it is to be recorded.		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9799 and select option 2.

motivation to be found in the art for such.

Respectfully submitted,
JAMES BURNES ET AL.

By C. Nessler
Their Attorney

Charles G. Nessler
Box H
Chester, CT 06412
(860) 526 9149 Fax (860) 526 9149 email: cn@cnessler.com

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to Commissioner of Patents, Box
1450, Alexandria VA 22313 on September 2, 2005

C. G. Nessler
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